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Docket No. 740105-81

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: )  
Gerd M. MÜLLER et al. ) Group Art Unit: 2643  
Serial No. 10/010,155 ) Examiner: P.L. Dabney  
Filed: 12/10/2001 ) Confirmation No. 7221  
For: FIXATION ELEMENT FOR AN )  
IMPLANTABLE MICROPHONE )

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algo  
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office: Fax No. (703) 872-9306 on June 7, 2004.

*Kathleen M. McManus*

Kathleen M. McManus

ELECTION

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the election of species requirement contained in the Office Action mailed May 14, 2004, in connection with the above-identified application, applicant hereby elects the specie designated I, i.e., that of Figs. 1 & 2 and encompassed by claims 1-11. A prompt action on the merits of the elected embodiment is requested along with rejoinder of the claims non-elected species II & III should subgeneric claim 1 be found to be patentable.

Respectfully submitted,

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\_\_\_\_\_  
David S. Safran  
Registration No. 27,997

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DSS:kmm

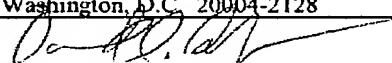
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|--|---|------------------------|-----------------------|
| <b>TRANSMITTAL<br/>FORM</b><br><i>(to be used for all correspondence after initial filing)</i> |   | Application Number     | 10/010,155            |
|  |   | Filing Date            | 12/10/2001            |
|  |   | First Named Inventor   | Gerd M. MÜLLER et al. |
|  |   | Group Art Unit         | 2643                  |
|  |   | Examiner Name          | P.L. Dabney           |
| Total Number of Pages in This Submission   | 2 | Attorney Docket Number | 740105-81             |

|  |   |  |  |
|--|---|--|--|
| <b>ENCLOSURES (check all that apply)</b>   |   |  |  |
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Election<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers<br><i>(for an Application)</i><br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Declaration and Power of Attorney<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Application Data Sheet<br><input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures<br><input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt<br><input type="checkbox"/> Other Enclosure(s) (please identify below): _____ |  |
|  |   | Remarks  | <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number. |

|   |   |
|---|---|
| <b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b> |   |
| Firm or Individual name                           | David S. Safran, Reg. No. 27,997<br>Nixon Peabody LLP<br>401 9 <sup>th</sup> Street, N.W.<br>Suite 900<br>Washington, D.C. 20004-2128 |
| Signature   |    |
| Date  | June 7, 2004  |

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| June 7, 2004   |  |
| Date   | Signature<br>Kathleen M. McManus<br>Typed or printed name                            |

NVA297735.1